

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 10, 2009. At the time of the Office Action, Claims 23-40 were pending in this Application. Claims 23-40 were rejected. Claims 1-22 were previously cancelled without prejudice or disclaimer. Claims 23, 31, 39, and 40 are herein amended. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 39-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,101,393 issued to Vladimir Alperovich et al. ("*Alperovich*") in view of U.S. Patent No. 6,608,888 issued to James Carlton Bedingfield et al. ("*Bedingfield*").

Claims 23-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Alperovich* in view of *Bedingfield* and further in view of "3G TS 23.140 V3.0.1. (2000-03) 3rd Generation Partnership Project; Technical Specification Group Terminals; Multimedia Messaging Service (MMS); Functional Description" ("*3G TS*").

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog*

Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc., 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

The present invention is directed to the managing of blocking of undesirable messages. In particular, the present invention is directed to a convenient way of adding certain sender to a list whereby the list is used to filter out any type of future messages thereby reducing costs which would otherwise be applied to the recipient. The present invention is directed to the concept of using a blocking list per se but rather to a method of maintaining such a list, in particular a convenient way of adding new addresses of anonymous senders to the list.

Applicants amended the current set of claims to clarify the above. To this end, the independent claims include the limitation that a recipient sends a request upon receipt of the message identifier or message to cause the addition of the sender's address to the blocking list. This limitation is disclosed in the originally submitted specification, for example, in paragraphs [0037-43]. Claim 31 has further been amended to clarify what is included in the identification signal which is used by the service provider to determine the actual sender address. This feature is disclosed in the originally submitted specification, for example, in paragraph s [0042-43]. Thus, no new matter has been introduced.

The Examiner's rejection is mainly based on *Alperovich* and *Bedingfield*. However, none of the references discloses the claimed limitation of maintaining/updating a blocking list let alone that a blocking list can be maintained during a message delivery attempt. The Examiner failed to identify any disclosure in *Alperovich* that shows that during a message delivery or message delivery attempt, a recipient can respond with a command that automatically adds an anonymous sender to a blocking list as defined in the present claims. *Alperovich* merely discloses a separate update procedure for maintaining a blocking list. (*Alperovich*, col. 5, line 51 to col. 6, line 6). This update procedure however must be separately initiated by the recipient. (*Alperovich*, col. 5, lines 55-56 and col. 5, line 67 to col. 6, line 6). *Bedingfield* does not close this gap.

The Examiner further acknowledged that *Alperovich* does not disclose whether the alternative name proposed by *Alperovich* discloses the identity of a sender. Thus, the Examiner cited *Bedingfield* which allegedly discloses this feature. Applicants respectfully disagree. *Bedingfield* does not disclose the claimed feature. *Bedingfield* merely discloses

the option to generally refuse delivery of any message that comes from an anonymous source. This does not allow to selectively decide by the recipient which anonymous sender is added to the blocking list. In particular an interactive management system as claimed in which during a message delivery or message delivery attempt a recipient can cause the addition of a sender address of an anonymous sender is not disclosed by any combination of the cited references.

In response to Applicants' previously submitted argument with respect to claims 23 and 31 that the Examiner stated that the under a different interpretation the claim does not limit a previous message was sent and added to the rejection list thereby future messages would also be blocked before delivery. Applicants cannot follow this argument as the claims are directed to an interaction between the service provider and a recipient. If a sender address has been previously added to a blocking list, then no message available identification or message will be delivered to the recipient and the claim language cannot be read to such a scenario. As stated above, the claims are directed to a communication process in which the service provider attempts to deliver a message notification or delivers a message and during which communication process the recipient can update the blocking list with the sender address of the anonymous sender that delivers a message or attempts to deliver a message. As stated above, none of the cited prior art discloses this feature.

Hence, Applicants believe that all pending independent claims are allowable in view of the cited prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.


CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2000.

Respectfully submitted,
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